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Loni Hancock ASSEMBLYWOMAN, FOURTEENTH DISTRICT

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April 11, 2007

Tami R. Bogert
General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814

RE: Comments on Proposed Change to PERB regulations on Proof of Support

Dear Ms. Bogert:

I am writing as the author of Assembly Bill 1230, the 2003-2004 bill establishing card check recognition for unions under the HEERA.

I believe that the proposed regulations would weaken the card check procedure intended by the Legislature. We never contemplated -nor intended - that by adding card check to the law we were adding the concept of revocation cards. At the time we passed the law, the PERB regulations did not contain revocation procedures. Card check is a faster, more efficient, more democratic way of achieving recognition and collective bargaining. Allowing revocation cards could result in employers engaging in campaigns to encourage employees to revoke, with just as much pressure, conflict and delay as previously existed during pre-election periods.

Additionally, the regulations contain a provision for adding language to cards, indicating the signer understands that there will be no election. This provision was previously proposed to me as an amendment to Assembly Bill 1230 by the University of California. This provision was also proposed to the Governor by the University of California, in a letter urging him to veto the bill. The amendment was rejected. I do not believe that the Public Employment Relations Board should adopt a provision in its regulations that was specifically rejected by the Legislature, the Governor nor was intended as part of the legislation.

Respectfully,

A handwritten signature in black ink that reads "Loni Hancock".

Loni Hancock
Assemblywoman
14th Assembly District



UNIVERSITY OF CALIFORNIA
Requested Amendments to AB 1230 (Hancock), As Amended on 4/8/03

Additions indicated by underline
Deletions indicated by ~~strike through~~

1. page 4 line 12 add:

(B) A proof of support document signed by an employee shall include the following text in 12 point typeface or larger: "I understand that if I sign this document a union may be certified without my having an opportunity to vote. I also understand that if a union is certified, it may require the University to deduct fair share service fees from my pay."

2. page 4 line 12 add:

(C) If an employee organization submits documents in proof of support, signed by employees, that do not include the above text in 12-point typeface or larger, the employee organization shall not be certified except as the result of an election.

3. page 4 line 12 strike and add:

~~(B)-(D)~~ In the event the petitioning employee organization does not provide proof of support of more than 50 percent of the members of the appropriate unit, or another employee organization provides proof of support of at least 30 percent of the members of the appropriate unit, then the procedures of paragraph (1) shall apply.

4. page 4 line 37 add:

SEC. 3. Section 3577(a) of the Government Code is amended to read:

(a) Upon receipt of a petition filed pursuant to Section 3575 or 3576 the board shall conduct such inquiries and investigations or hold such hearings as it shall deem necessary in order to decide the questions raised by the petition. The determination of the board may be based upon the evidence adduced in the inquiries, investigations, or hearings. If the board finds on the basis of the evidence that a question of representation exists, or a question of representation is deemed to exist pursuant to subdivision (a) or (b) of Section 3574, it shall order that an election shall be conducted by secret ballot placing on the ballot all employee organizations evidencing support of at least 10 percent of the members of an appropriate unit, and it shall certify the results of the election on the basis of which ballot choice received a majority of the valid votes cast. There shall be printed on the initial ballot the choice of "no representation". If, at any election, no choice on the ballot receives a majority of the votes cast, a runoff election shall be conducted. The ballot for the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. If a petition filed pursuant to Section 3576 includes evidence that more than 50 percent of the members of the certified unit support decertification of the exclusive representative, and if the petition does not request that another employee organization be certified as the exclusive representative, then the board shall decertify the incumbent exclusive representative.

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 Sacramento, California 95814
 (916) 445-9934
 Stephen A. Arditi, Assistant Vice President and Director

July 31, 2003

The Honorable Gray Davis
 Governor
 State Capitol
 Sacramento, CA 95814

Dear Governor Davis:

Re: AB 1230 (Hancock), As Amended on June 17, 2003

The University of California (UC) respectfully requests that you veto AB 1230. This measure would amend the Higher Education Employer-Employee Relations Act to require the Public Employment Relations Board (PERB) to certify an employee organization as an exclusive representative for the purpose of collective bargaining, if the employee organization provides proof of support from more than 50 percent of the unit. UC opposes AB 1230 because it would require certification of a union without an election and deny employees an opportunity to make fully informed decisions regarding union membership.

In an effort to work with the author to find a compromise, UC proposed an amendment that would have permitted certification of a union without an election and provided employees some information regarding union membership. Specifically, UC requested an amendment to require union authorization cards to include text explaining that a union may be certified without an election, and if certified, the union may require the University to deduct fair share service fees from an employee's pay. Under AB 1230, unions would not be required to disclose this factual information to employees when circulating authorization cards. Unfortunately, Assembly Member Hancock did not accept the proposed amendment.

Employees of the public schools, community colleges, and state agencies all enjoy the benefits of a representation election. When asked to consider joining a union, these employees have ample time to learn about the significance of union membership, gain a full understanding of collective bargaining, and review the employer's record of responsiveness to employee concerns. Those who decide to join a union have time to research prospective representatives. Most importantly, employees have an opportunity to make their decision regarding exclusive representation in the privacy of a polling booth, free from any outside influences. They also have the flexibility to choose "no representation," an option that must be presented in an election. AB 1230 would deny University employees these benefits.

Elections do not appear to have impeded union organizing at UC. Since 1980, UC employees have selected exclusive representation in 32 of 44 elections. Over 40 units (systemwide and local combined) represent approximately 67,000 employees, or about 65 percent of the employees eligible for union membership.

The Honorable Gray Davis
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July 31, 2003

As always, we appreciate your consideration of our views and your consistent support of the University.

Sincerely,



Stephen A. Arditti
Assistant Vice President and Director
State Governmental Relations

cc: Assembly Member Loni Hancock
Legislative Secretary Linda Adams
Special Assistant and Liaison to the Senate Bill Lloyd
Secretary Kerry Mazzoni
Director Marty Morgenstern, Department of Personnel Administration
President Richard C. Atkinson
Senior Vice President Bruce B. Darling

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EXHIBIT B